

# Public Interest Disclosure Act review

## United Workers Union submission

### Introduction

This submission has been prepared in response to the Queensland Government's request for stakeholder views on the *Public Interest Disclosure Act 2010* ("PID Act").

### Background

The United Workers Union (UWU) is typically required to provide advice on public interest disclosures (PIDs) in circumstances where:

- A union member is seeking advice on the consequences of, and the process by which, he or she may make a PID; or
- A union member is notified that they are being investigated as a result of a PID.

### Objects of the Public Interest Disclosure Act

One of the primary objects of the *PID Act* is to "*promote the public interest by facilitating public interest disclosures of wrongdoing in the public sector*".<sup>1</sup> Based on feedback received by UWU members and officials, it is the union's view that this object is currently not being met. There remain several barriers to facilitating PIDs in the public sector.

UWU considers that the main barriers to facilitating disclosures of wrongdoing in the public sector are:

1. The fear of identity disclosure; and
2. Misinformation or lack of understanding with respect to the PID process

#### **1. Disclosure of Whistle-blower Identities by Reason of the Process**

First, several union members undergoing disciplinary processes have claimed to know the identity of the whistle-blower due to the specificity of the allegations made against them. It is conceivable that public sector employees may be unwilling to make an anonymous disclosure if it is not guaranteed that their identity will be protected.

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<sup>1</sup> *Public Interest Disclosure Act 2010* (Qld) s 3.

## ***2. Misinformation and lack of understanding***

To support whistle-blowers, we recommend that public sector employees receive refresher training on the protections and obligations enshrined in the *PID Act*. UWU considers that lack of knowledge and misinformation may impede the statute's primary object of facilitating disclosures of wrongdoing in the public sector. The union's concern is that some employees in the public sector appear to misapprehend their obligations under the *PID Act*. In some cases, union members who are the subject of a PID have been reluctant to discuss the allegations with their union representative for fear of disciplinary consequences.

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